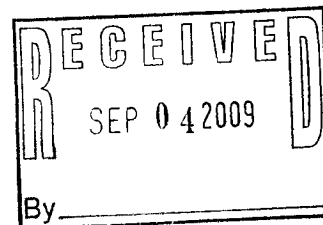


**TAB 1**

**PERSSON & COHEN, P.A.**  
**1820 Ringling Boulevard**  
**Sarasota, FL 34236**



Ph: (941) 365-4950

Fax: (941) 365-3259

ATTN: DEANNA ROBERTS  
CITY OF PALMETTO  
P. O. BOX 1209  
PALMETTO, FL 34220-1209

September 1, 2009

ACCT. # PALMETTO

RE: CODE ENFORCEMENT BOARD

DATE	DESCRIPTION	HOURS	ATTY
8-25-2009	Review agenda and attend code enforcement board meeting	1.50	KAM
TOTAL HOURS		1.50	
Total Fees for Above Services:			\$240.00

DISBURSEMENTS:

Total Disbursements:	\$0.00
Total Fees & Disbursements	\$ 240.00
Previous Balance	\$304.00
Payments	<u>\$304.00</u>
Balance Due Now	\$240.00

**MINUTES  
CODE ENFORCEMENT BOARD  
August 25, 2009**

Board Members Present:

Charlie Leonard, Chair  
Scott Dougherty  
Phil Hoffmann  
Bob Rickey  
Tony Gallo, Alternate

Staff and Others Present:

Bill Strollo, Code Enforcement Director  
Kelly Martinson, Code Enforcement Board Attorney  
Deanna Roberts, Administrative Assistant

Mr. Leonard called the meeting to order at 6:00 pm. All persons testifying or wishing to address the Code Enforcement Board were sworn in.

1. APPROVAL OF AGENDA

**MOTION: Mr. Hoffmann moved, Mr. Rickey seconded and motion carried unanimously to approve the August 25, 2009 agenda.**

2. APPROVAL OF CONSENT AGENDA

A. Expenses: Code Enforcement Board legal expenses through July 2009.  
B. Minutes: July 28, 2009

**MOTION: Mr. Hoffmann moved, Mr. Rickey seconded and motion carried unanimously to approve the August 25, 2009 Consent Agenda.**

As Mr. Delesline was present to speak on his own behalf, Case No. 09-19 was moved up on the agenda.

3. PUBLIC HEARINGS

D. Case No. 09-19

John T. Delesline  
Revocable Living Trust  
P.O. Box 283  
Terra Ceia, FL 34250

Violation Location: 320 7<sup>th</sup> Street West, Palmetto  
Codes Violated: Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26(3), and Section 16-27(a), (b), & (c); Chapter 7, Buildings and Building Regulations, Article XI, Minimum Maintenance Standards, Section 7-243(a):

Mr. Strollo reported that a Notice of Violation was issued on July 27, 2009 for overgrowth on the property. As of August 20, 2009, the property had remained unchanged with no communication from the owner.

The property was brought into compliance on August 21, 2009.

Mr. Delesline addressed the Board. He said he receives all his mail at the office. The post office box which was used for noticing is checked infrequently.

Mr. Delesline pointed out that a strip of property in front of his building from the sidewalk to the curb, which he says the City owns, is not being maintained. Other property owned by the City on the west side

of his building is not being maintained. His son, John Delesline, Jr., submitted a photograph of the area adjacent to the Public Works building which he believes to be overgrown and in violation. He also informed the Board that they maintain the south and west sides of their building, previously mentioned, which is City owned property.

Mr. Delesline requested that all mail be sent to 320 7<sup>th</sup> Street in Palmetto. Mr. Stollo said Code Enforcement has addressed overgrowth issues in 2006, 2007 and 2008 and they were not advised until August 21, 2009 to use the 7<sup>th</sup> Street address.

Mr. Stollo recommended that the Respondent be found in violation of City codes. He did not recommend imposing costs or fines at this time. Another violation will be treated as a repeat violation.

**MOTION:** Mr. Rickey moved, Mr. Hoffmann seconded, and motion carried unanimously to:

- 1) Find as a matter of fact that this property was overgrown, specifically at the north, east and west sides to include the fence line;
- 2) Conclude as a matter of law that the Respondent has violated Sections of the Code of Ordinances of the City of Palmetto, Florida, as read into the record at the August 25, 2009, meeting of the Code Enforcement Board;
- 3) Authorize the Chairman of the Code Enforcement Board to sign the completed Administrative Order handed down by the Board at the August 25, 2009 meeting.

A. Case No. 09-14  
Phillip L. Brewer  
203 9<sup>th</sup> Street West  
Palmetto, FL 34221

Violation Location: 203 9<sup>th</sup> Street West, Palmetto  
Codes Violated: Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (3) and Section 16-27(a), (b), & (c).

Mr. Leonard opened the public hearing. Mr. Stollo reported that this case was brought before the Board for public hearing on July 28, 2009. At that hearing, the Respondent was found in violation of City codes, and he was given until August 7, 2009 to correct the violation. This case involves a vacant house that is going through foreclosure. A representative of the mortgage company has been in touch with Code Enforcement. A Report of Compliance was issued on July 30, 2009. Mr. Stollo recommended that no costs be assessed. Mr. Leonard closed the public hearing.

**MOTION:** Mr. Rickey moved, Mr. Hoffmann seconded, and motion carried unanimously not to assess administrative costs.

B. Case No. 09-17  
Penny Fugate  
1108 26<sup>th</sup> Avenue West  
Palmetto, FL 34221

Violation Location: 1108 26<sup>th</sup> Avenue West, Palmetto  
Codes Violated: Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (1), (2) & (3) and Section 16-27(a), (b), & (c):

Mr. Leonard opened the public hearing. Mr. Stollo said the case came before the Board on July 28, 2009. The Respondent was found in violation of City codes. The Respondent was given until August 3, 2009 to correct the violation. The property was brought into compliance on August 18, 2009. Administrative costs of \$265.00 were assessed at the initial hearing. He is recommending a fine for the

days the property was not in compliance: August 3 – August 18, 2009. Mr. Leonard closed the public hearing.

**MOTION: Mr. Hoffmann moved, Mr. Gallo seconded, and motion passed unanimously to:**

- 1) Find as a matter of fact that the property was overgrown, furniture and debris in the backyard;**
- 2) Conclude as a matter of law that the Respondent violated codes of the City of Palmetto, Florida as read into the record at the August 25, 2009 meeting of the Code Enforcement Board;**
- 3) Impose a fine of \$25.00 per day for the period of August 4, 2009, through August 17, 2009 inclusive, a total of fourteen days, the period of time the property was in violation;**
- 4) Authorize the chairman to sign the Order Imposing Fine handed down by the Board at the August 25, 2009, meeting.**

Case No. 09-18 was pulled from the agenda by Mr. Stollo due to insufficient notice. It will be rescheduled to the September 29, 2009 meeting.

#### 4. OLD BUSINESS

CEB 09-09 Eugenio Betancourt

Mr. Stollo reported the property was brought into compliance on July 13, 2009

CEB 09-15 Kenneth Rea

A copy of the Order Imposing Fine was included for the Board's review.

#### 5. NEW BUSINESS

None.

Mr. Leonard informed the Board that he will not be at the September 29, 2009 meeting.

#### 6. ADJOURNMENT

**MOTION: Mr. Hoffmann moved, Mr. Dougherty seconded, and motion carried unanimously to adjourn the meeting.**

The meeting was adjourned at 6:50 p.m.

Minutes approved: September 29, 2009

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Robert Rotondo, Vice Chair